

Appl. No. 09/755,408
Atty. Docket No. 7903M
Amdt. dated July 12, 2006
Reply to Office Action of April 13, 2006
Customer No. 27752

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REMARKS

Claim Status

Claims 21-27 and 34 are pending in the present application. No additional claims fee is believed to be due.

Claim 21 has been amended to clearly distinguish the invention over the cited prior art. Support for this amendment may be found in the substitute specification at page 4, paragraph 18.

Claims 1, 3-5, 8-14, 16, 17, and 28-33 have been withdrawn as a result of an earlier restriction requirement.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102 Over Simmons

The Office Action rejects claims 21-24 and 34 under 35 USC §102(b) as unpatentable over Simmons (US 5,622,276). Applicant respectfully traverses this rejection.

The Office action points to the liner 28 of Simmons as constituting the upstandable sidewalls and floor pan of the claimed container. The liner 28 of the reference is taught as a supple water impermeable material supported by the bottom 14 of the container. Applicant has amended claim 21 to require that the floor pan be domed. The liner of the reference is not described as domed and would not benefit from being domed as it is fully supported by element 14. Therefore, the nature of the container described in Simmons precludes a domed floor pan as claimed by Applicant. The reference fails to teach each of the limitations of the invention as claimed and does not support a rejection under 35 USC §102(b) of the claimed invention. Applicant respectfully requests that the rejection be reconsidered and withdrawn in light of the amendment to claim 21.

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Rejection Under 35 USC §103(a) Over Simmons

Claims 25 and 26 have been rejected under 35 USC §103(a) as being unpatentable over Simmons. Applicant respectfully traverses this rejection. Simmons fails to teach or suggest the invention as claimed in claim 21 from which claims 25 and 26 depend. Specifically, Simmons fails to teach or suggest that the floor pan of the flexible liner material 28 can or should be domed and teaches away from doming the floor pan by providing that the floor pan is permanently attached to bottom portion 14 of the container. AS the reference fails to teach or suggest each of the limitations of the invention as claimed it fails to support a *prima facie* case of obviousness under 35 USC §103(a). Applicant respectfully submits that this rejection should be reconsidered and withdrawn in light of the amendment to claim 21.

Rejection Under 35 USC §103(a) Over Simmons in view of Spykerman

Claim 27 has been rejected under 35 USC §103(a) as being unpatentable over Simmons in view of Spykerman (US 6,253,943). This rejection is respectfully traversed because the combination of references fails to teach or suggest each of the elements of the invention as claimed..

The Simmons reference fails to teach or suggest each of the limitations of claim 21 as amended. Specifically, the reference fails to teach or suggest a domed floor pan having upstandable sidewalls as the floor pan of the reference is glued or otherwise fixed to the flat rigid bottom of the container. The addition of Spykerman does not cure this deficiency and the cited combination also fails to teach or suggest each of the limitations of the underlying independent claim and therefore cannot support a *prima facie* case of obviousness for a rejection under 35 USC §103(a) of claim 27.

Conclusion

In light of the amendment to claim 21 and the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC §§102-103. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of

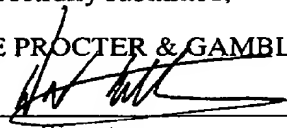
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the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 21-27, and 34 is respectfully requested.

Respectfully submitted,

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By


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